

U.S. Application Serial No. 10/680,923
Attorney Docket: 46107-0097
Reply to Office Action of November 2, 2004

REMARKS

In the Office Action dated November 2, 2004, the Examiner indicates that Claims 1-6 (Group I) drawn to a method of assembling a tripod joint, Claims 7-11 (Group II) drawn to a retaining ring, and Claims 12-16 (Group III) drawn to a constant velocity joint are distinct from each other and require restriction to one of the inventions. The Examiner explains that the claims in Group I are distinct from the claims in Groups II and III in that the product of the Claims in Groups II and III can be made by another and materially different process because the product could be made by cutting the fracture area instead of applying force to expand the retaining ring, and that the claims in Groups II and III are related as a combination and sub-combination where the combination as claimed does not require the particulars of the sub-combination because the constant velocity joint does not require a retaining ring with a first notch. Therefore, the Examiner states that in regard to claims from Groups II and III, the sub-combination has separate utility such as a retaining ring for a pipe joint.

Applicants respectfully submit to the Examiner the claims in Groups I and III are not distinct as explained by the Examiner. Claim 12, from which the remaining claims in Group III depend, includes a retaining ring secured within a retaining groove wherein the retaining ring includes "a fracture area that is **fractured** as the retaining ring is secured in the retaining groove." Because the retaining ring in Claim 12 (Group III) requires a fracture area that is fractured as the retaining ring is secured in the retaining groove, the term fractured implies that the product could not be made by the materially different process suggested by the Examiner, such as cutting the fracture area. Therefore, Applicants respectfully submit to the Examiner that claims from Group I and Group III are related as a process of making and product made because the product as claimed in Claim 12 can not be made by cutting as suggested by the Examiner.

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In view of the above, Applicants respectfully request reconsideration of the restriction requirement as to the claims in Groups I and III. In the event that the Examiner agrees that the claims in Groups I and III are not distinct inventions, Applicants hereby elect Claims 1-6 and 12-16 from Groups I and III, without traverse and withdraw Claims 7-11 (Group II) from consideration. In the event that the Examiner maintains that claims in each group define an invention distinct from the other groups, Applicants hereby elect claims from Group III (Claims 12-16) without traverse and authorize the withdrawal from consideration of Claims 1-6 (Group I) and Claims 7-11 (Group II) with the understanding that Applicants may pursue the withdrawn claims in a subsequent continuation or divisional application. In view of this election and these remarks, it is respectfully submitted that an action on the merits of the elected claims is in order.

Prompt and favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

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Enclosures

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